

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK**

FRANK G. ROSENSKI, derivatively on behalf of  
SYMBOL TECHNOLOGIES, INC.,

Plaintiff,

vs.

WILLIAM R. NUTI, SALVATORE IANUZZI,  
MARK T. GREENQUIST, REOBERT J.  
CHRENC, GEORGE SAMENUK, MELVIN A.  
YELLIN, EDWARD KOZEL, and J. MICHAEL  
LAWRIE,

Defendants,

- and -

SYMBOL TECHNOLOGIES, INC.,

Nominal Defendant.

Case No. 2:06-CV-0696 (DRH-WDW)

**NOTICE OF VOLUNTARY DISMISSAL  
WITHOUT PREJUDICE PURSUANT TO FED. R. CIV. P. 41(a)(1)**

Plaintiff Frank G. Rosenski, by his attorneys, hereby voluntarily dismisses the above-captioned action Case No. 2:06-CV-0696 (DRH-WDW), filed on February 16, 2006, without prejudice, pursuant to Fed. R. Civ. P. Rule 41(a)(1). Defendants have not filed or served an answer nor moved for summary judgment in this action. Plaintiff does not intend by this voluntary dismissal to waive his right to participate and recover as a class member or shareholder in any action.

Dated: November 7, 2006

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SCHULMAN LLP**

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**Plaintiff's Counsel**

**CERTIFICATE OF SERVICE**

I, Kent A. Bronson, an associate with the law firm Milberg Weiss Bershad & Schulman LLP, hereby certify that I caused a true and correct copy of the foregoing to be served by regular U.S. Mail to all parties listed on the attached service list on this 7<sup>th</sup> day of November, 2006.

/s/ Kent A. Bronson  
Kent A. Bronson

SYMBOL TECHNOLOGIES, INC.

Service List

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